

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JAMES E. ROLLINS, JR.,)	
)	
Petitioner/Defendant,)	
)	CIVIL NO. 08-cv-665-DRH
vs.)	
)	CRIMINAL NO. 05-cr-30133
UNITED STATES of AMERICA ,)	
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

This matter is before the Court on Petitioner's motion for relief pursuant to 28 U.S.C. § 2255. Petitioner was found guilty on two counts involving the possession and distribution of cocaine. On September 24, 2007, he was sentenced to 121 months imprisonment, eight years supervised release, a fine of \$1000, and a special assessment of \$200. No direct appeal was filed, allegedly due to counsel's failure or refusal to file an appeal. Subsequently, Petitioner filed the instant motion under § 2255. In this motion the Petitioner raises numerous grounds for relief based upon ineffective assistance of counsel, denial of due process, prosecutorial misconduct, judicial error, and sufficiency of the evidence.

The Court **ORDERS** the Government to file a response to Petitioner's motion within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

Petitioner's motion for leave to proceed *in forma pauperis* (Doc. 2) is **GRANTED**.

IT IS SO ORDERED.

DATED: December 17, 2008.

/s/ DavidRHerndon
CHIEF JUDGE